

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Chapter 7

Warren I. Green Case No. 13-10204-MSH
Debtor

TRUSTEE'S MOTION TO EMPLOY APPRAISER

John O. Desmond, Trustee, moves this Court for an order authorizing the trustee to employ James M. Curley, Jr., of William F. Curley, Jr. Associates, 982A Boston Post Road, Marlboro, MA 01752 as Appraiser, and further authorizing compensation of said James M. Curley, Jr. for a Flat Fee of One Thousand (\$1,000.00) Dollars for services as appraiser upon the allowance of this Motion to Employ Appraiser, without the necessity of further Court approval.

In support of the motion, the trustee states the following:

1. The debtor filed a voluntary petition under Chapter 7 of the Bankruptcy Code on January 16, 2013. On February 6, 2017, John O. Desmond was appointed Successor Trustee and continues to serve as trustee.
2. The Trustee recovered an interest in a condominium unit located at 287 Langley Road, Newton, Massachusetts (hereinafter the "Property") in Adversary Case No. 14-1026. It is necessary for the trustee to obtain an appraisal of the Property to be used in Trustee's Motion for Summary Judgment on the Section 363(h) Count of the complaint in said Adversary Proceeding.
3. The trustee proposes to employ James M. Curley, Jr. for a flat fee of One Thousand (\$1,000.00) Dollars for preparing an appraisal of the Property to be paid

without the necessity of further Court approval. If it is necessary for the Appraiser to testify at a trial or evidentiary hearing, the appraiser will submit an application for compensation for the services involved in testifying before the court.

4. There are no funds in the estate to pay the flat fee to the appraiser at this time.

5. James M. Curley, Jr. is well qualified to perform the services required by the trustee. James M. Curley, Jr. does not hold or represent any interest adverse to the estate or its creditors. An affidavit of disinterestedness by the Appraiser is attached.

6. James M. Curley, Jr. has received no retainer for services to be rendered from any source.

WHEREFORE, the Trustee prays for an Order of this Court:

1. Authorizing the employment of James M. Curley, Jr. as Appraiser to appraise the above described Property; and

2. Authorizing compensation of said James M. Curley, Jr. of a Flat Fee of One Thousand (\$1,000.00) Dollars for the appraisal services described herein without the necessity of further Court approval

Dated: February 16, 2018

/s/ John O. Desmond

John O. Desmond (BBO 554580)
Trustee
5 Edgell Road, Suite 30A
Framingham, MA 01701
Tel: (508) 879-9638
Email: trustee@jdesmond.com

UNITED STATES BANKRUPTCY COURT
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AFFIDAVIT OF APPRAISER IN SUPPORT OF
TRUSTEE'S MOTION TO EMPLOY APPRAISER

James M. Curley, Jr., being duly sworn, says:

1. I am the Appraiser that the Trustee herein desires to employ as Appraiser for the purposes more fully set forth in the motion of the Trustee.

2. I am a licensed real estate appraiser and have been engaged in the business of selling real estate for more than 30 years.

3. My connections with the Debtor, any creditor, or other party in interest, their respective attorneys and accountants are as follows: None. I am and each member of my firm is a "disinterested person" as that term is defined in 11 U.S.C. §101(14).

4. I have not agreed to share with any person (Except members of my firm) the compensation to be paid for the services rendered in this case, except as follows: NONE.

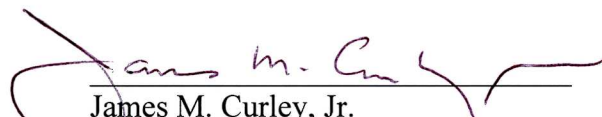
5. I have received no retainer in this case.

6. I shall amend this statement immediately upon my learning that (A) any of the within representations are incorrect or, (B) there is any change of circumstance relating thereto.

7. I have reviewed the provisions of MLBR 2016-1.

I certify under the penalty of perjury that the foregoing is true and correct.

Dated:


James M. Curley, Jr.
William F. Curley, Jr. Associates
982A Boston Post Road
Marlboro, MA 01752
Tel: (508) 481-3124

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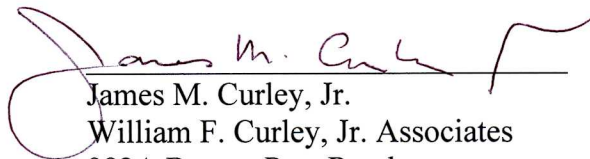
DECLARATION RE: ELECTRONIC FILING

PART I - DECLARATION OF PETITIONER

I, James M. Curley, Jr., *hereby declare(s) under penalty of perjury* that all of the information contained in my AFFIDAVIT OF APPRAISER IN SUPPORT OF TRUSTEE'S MOTION TO EMPLOY APPRAISER (singly or jointly the "Document"), filed electronically, is true and correct. I understand that this DECLARATION is to be filed with the Clerk of Court electronically concurrently with the electronic filing of the Document. I understand that failure to file this DECLARATION may cause the Document to be struck and any request contained or relying thereon to be denied, without further notice.

I further understand that pursuant to the Massachusetts Electronic Filing Local Rule (MEFLR)-7(a) all paper documents containing original signatures executed under the penalties of perjury and filed electronically with the Court are the property of the bankruptcy estate and shall be maintained by the authorized CM/ECF Registered User for a period of five (5) years after the closing of this case.

Dated:



James M. Curley, Jr.
William F. Curley, Jr. Associates
982A Boston Post Road
Marlboro, MA 01752
Tel: (508) 481-3124

CERTIFICATE OF SERVICE

February 16, 2018

I, John O. Desmond, certify under the pains and penalties of perjury that on this date, true and correct copies of the foregoing **TRUSTEE'S MOTION TO EMPLOY APPRAISER** were served via the U.S. Bankruptcy Court's CM/ECF filing system or by U.S. Mail, First Class, postage pre-paid, to those persons not appearing on the Court's receipt of electronic filing:

Paula R.C. Bachtell on behalf of Assistant U.S. Trustee John Fitzgerald
paula.bachtell@usdoj.gov

Kathleen P. Dwyer on behalf of Trustee Kathleen P. Dwyer kdwyer@7trustee.net,
ma18@ecfbis.com, aharris@mhdpc.com

John Fitzgerald
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Leonard A. Frisoli on behalf of Debtor Warren I Green laf@frisolilaw.com

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Thomas S. Vangel on behalf of Trustee John O. Desmond tvangel@murthalaw.com

/s/ John O. Desmond

John O. Desmond

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